IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-03-2005

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THE HONOURABLE MR. JUSTICE P.K. MISRA

WRIT PETITION NO.35311 OF 2004

G. Selladurai
S/o. Ganesan .. Petitioner

Vs.

1. The Registrar,
Tamil Nadu Dr.Ambedkar Law
University, Chennai.

2. The Co-ordinator (III Year
Law Entrance Examinations),
'Poompozhil',
5, Greenways Road,
Chennai 28. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari to call for the records on the file of the second respondent in his Proceedings No.C.L.E/B.L., III Yr/Sel/2004 dated 28.9.2004 and quash the same.

For Petitioner : Mr.R. Karthikeyan
For Respondents : Mr.V.M.G. Ramakkannan

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J U D G M E N T

A student seeking admission to Law College has waged several legal battles in Courts of law.

2. The petitioner was an Under Graduate Student of Annamalai University and he had appeared in the final year examination of B.A.,course for the year 2004. Tamil Nadu Dr. Ambedkar Law University, Respondent No.1, had issued prospectus for admission to 2004-05 Academic year. In the Advertisement it was also indicated that those students who had appeared at the degree examination and were awaiting results may also apply for admission. Accordingly, the petitioner appeared at the entrance examination for admission to III Year B.L. Degree course. On the basis of the marks obtained by him at the entrance examination, the petitioner was called for Counselling between 1.9.2004 and 4.9.2004 and he participated on 2.9.2004.

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Unfortunately, however, by then the results of B.A., examination of Annamalai University were yet to be published, and therefore, the petitioner was not in a position to produce his Pass Certificate. The petitioner had however produced a Certificate issued by the Joint Controller of Examinations, Annamalai University indicating that he had appeared in the examinations conducted in May 2004 and the results were "likely to be published shortly". However, the first respondent University did not admit the petitioner as he had not passed B.A., by then. Subsequently, the petitioner filed W.P.No.25977 of 2004, which was disposed of on 13.9.2004 on following terms :-

> "The petitioner prays for mandamus directing the respondents to allot a seat to the petitioner enabling him to attend the classes in B.L., (Regular) III Year Course.
>
> 2. According to the petitioner, he has applied B.L., (Regular) III Year Course and he was selected, but he was waiting for the result of his degree course of B.A.,(History) and he was informed by the Tamilnadu Dr. Ambedkar Law University to produce the Degree certificate for his admission in B.L., (Regular) III Year Course. Therefore, till such production of Degree Certificate, he has no right to get admission in the Law College. It is open for the petitioner to approach the Annamalai University for getting the Degree Certificate. Accordingly, this writ petition is dismissed with liberty to the petitioner to file representation along with degree certificate to the first respondent. The first respondent may consider such representation and pass orders on merits in accordance with law."
>
> (Emphasis added)

3. On the basis of the order passed by the High Court, the petitioner again filed a representation dated 23.9.2004. Such representation was rejected on 28.9.2004 by indicating that without proof of eligibility on the scheduled counselling date, the claim for selection now cannot be considered. Subsequently, after the results of Annamalai University were declared and the petitioner had passed B.A., he filed a further representation dated 17.11.2004 which having been remained unanswered, the present writ petition has been filed.

4. The main contention of the petitioner is to the effect that when the petitioner was eligible to apply as per the Advertisement of the University and when he had produced a certificate from Annamalai University that the results would be published shortly, the respondent University should not have denied admission to the petitioner. In this connection, it is submitted that the delay in publication of the results by

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Annamalai University cannot be a ground to penalise the petitioner, who was not at fault, and the respondent University should have allotted a seat to the petitioner.

5. Learned counsel for the petitioner has placed reliance upon the decision of Orissa High Court reported in A.I.R. 2001 Orissa 61 (DEEP KUMAR THADANI v. CHAIRMAN, ADMISSION SUB-COMMITTEE, JOINT ENTRANCE EXAMINATION [K & M] BURLA AND OTHERS) and the decision of the Supreme Court reported in 2004 (10) SBR 424 (DOLLY CHHANDA v. CHAIRMAN, JEE AND OTHERS) and contended that mere non-production of relevant certificate cannot be a ground for denial of admission.

6. I have carefully gone through the aforesaid two decisions and, in my opinion, such decisions are not applicable to the facts of the present case.

In the decision of Orissa High Court in AIR 2001 Orissa 61 (cited supra), denial was on the ground that original mark sheet has not been produced even though provisional mark sheet has been produced and the explanation of the candidate that he had lost the original mark sheet was accepted by the Court. In such circumstances, the Court held that denial of admission was improper.

In the decision of the Supreme Court, the necessary correct certificate has been produced at the time of second counselling and the Supreme Court observed that every infraction of rule need not necessarily result in rejection of candidature.

7. However, in the present case, the facts are entirely different. It is not in dispute that a person can be admitted to LL.B.,only if such person passes degree course. Even though many of the Universities permit students, who have appeared at the examination but whose results were yet to be published, to apply, it is obvious that at the time of selection such persons can be selected only if they were eligible in all aspect, including basic educational qualification.

8. In the present case, admittedly the petitioner had not passed degree examination at the time when he was called for selection. Therefore, the decision of the University in not admitting the petitioner cannot be found fault with. As a matter of fact, a similar view has been expressed in order dated 5.10.2004 by a learned single Judge of this Court in W.P.No.25721 of 2004 in respect of the very same University relating to a candidate similarly situated.

9. In course of hearing, the learned counsel appearing for the petitioner has submitted that who had passed in Annamalai University were called for Counselling on latter dates and they were admitted even though they had secured less

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marks. To ascertain the veracity of the submission, the Respondent University was directed to file additional counter affidavit.

10. In the additional counter affidavit, it has been indicated as follows :-

> " ... in this connection no student who had passed the graduation course of Annamalai University or Alagappa University or any other University, for which, the results were pending at the time of counselling for admission to the B.L. 3 year Degree Course in any counselling of the Law College in the State is allotted a seat."

11. In such view of the matter, the claim of the petitioner in getting admission to Law College for the academic year 2004-2005, which has practically come to an end, cannot be accepted.

12. The writ petition is accordingly rejected without any other order as to costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Registrar,
   Tamil Nadu Dr.Ambedkar Law
   University, Chennai.

2. The Co-ordinator (III Year
   Law Entrance Examinations),
   'Poompozhil',
   5, Greenways Road,
   Chennai 28.

1 cc to Mr.V.M.G. Ramakkannan, Advocate, SR. 14371

JUDGMENT IN WP.NO.35311/04

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